

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

NEHEMIAS MEJIA,

Plaintiff,

vs.

NBCUNIVERSAL MEDIA, LLC, et al.,

Defendants.

Civil No.: 8:19-cv-01563-GJH

ORAL ARGUMENT REQUESTED

**DEFENDANT’S MOTION TO DISMISS PLAINTIFF’S AMENDED COMPLAINT
OR, IN THE ALTERNATIVE,
TO STRIKE CLAIM FOR PUNITIVE DAMAGES**

Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, Defendant Telemundo Mid-Atlantic LLC (“Telemundo”), owner and operator of WZDC Telemundo 44 (“WZDC”), by and through its undersigned attorneys, hereby moves the Court to dismiss Plaintiff’s Amended Complaint or, in the alternative, to strike Plaintiff’s claim for punitive damages because the Amended Complaint fails to allege facts upon which the requested relief can be granted.

As demonstrated in the accompanying Memorandum of Law, Plaintiff’s lawsuit should be dismissed for failure to state a claim on two separate grounds. First, taken as a whole—as the law requires—the broadcast is not capable of the defamatory meaning alleged. Second, even if the broadcast as a whole could support this claim, Plaintiff’s conclusory and boilerplate allegations of fault—a required element of the defamation cause of action—are insufficient to state a plausible claim.

In the alternative, the Court should strike Plaintiff’s demand for punitive damages. The Amended Complaint fails to allege any facts plausibly establishing the high burden of “actual

malice,” as required under the First Amendment to the U.S. Constitution and Maryland law for the recovery of such damages.

Dated: July 16, 2019

Respectfully submitted,

/s/ Chad R. Bowman

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Counsel for Defendant

CERTIFICATE OF SERVICE

I certify that on July 16, 2019, I filed a true and correct copy of the foregoing
**Defendant's Motion to Dismiss Plaintiff's Amended Complaint or, in the Alternative, to
Strike Claim for Punitive Damages** with the Court's cm/ecf system, which will cause a copy to
be served on all counsel of record.

July 16, 2019

/s/ Chad R. Bowman
Chad R. Bowman